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Dated: February 11, 2003

Linda Major

**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:)	Group Art Unit: 2172
Raymond Guzman et al.)	Examiner: Shahid Al Alam
Serial No.: 09/476,141)	RECEIVED
Filed: January 3, 2000)	FEB 21 2003
For: METHOD AND MECHANISM FOR)	<u>Technology Center 2100</u>
IMPLEMENTING AND ACCESSING)	
VIRTUAL DATABASE TABLE)	
STRUCTURES)	

APPEAL BRIEF UNDER 37 CFR § 1.192

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The applicants submit this Appeal Brief pursuant to the Notice of Appeal filed in this case on December 11, 2002. This brief is submitted in triplicate.

I. REAL PARTY IN INTEREST

The real party in interest is the assignee Oracle Corporation of Redwood Shores, California.

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II. RELATED APPEALS AND INTERFERENCES

Based on information and belief, there are no appeals or interferences that could directly affect or be directly affected by or have a bearing on the decision by the Board of Patent Appeals and Interferences in the pending appeal.

III. STATUS OF CLAIMS

Claims 10, 12, 15-16, 21-22, 24, 29-30, and 32-56 are pending in the subject application. Claims 1-9, 11, 13-14, 17-20, 23, 25-28, and 31 have been cancelled. Claims 10, 12, 15-16, 21-22, 24, 29-30, and 32 are allowable. Claims 33-36, 39, 41-44, 47, 49-52, and 55 have been rejected. Claims 37-38, 40, 45-46, 48, 53-54, and 56 have been objected to as being dependent upon a rejected base claim. Appeal is taken from the Examiner's rejection of claims 33-36, 39, 41-44, 47, 49-52, and 55.

IV. STATUS OF AMENDMENTS AFTER FINAL REJECTION

A final Office action was mailed on September 11, 2002. In response to the final Office action, applicants filed an amendment after final rejection on November 12, 2002 canceling claims 1-9, 11, 13-14, 17-20, 23, 25-28, and 31 and rewriting claims 10, 12, 15, 21-22, 24, 29-30, and 32 in independent form. The Examiner indicated in an advisory action mailed on November 26, 2002 that, for purposes of Appeal, this amendment after final rejection would not be entered. After telephone discussions with the applicants' attorney regarding the amendment after final rejection, the Examiner faxed a second Advisory Action on December 4, 2002, which indicated that, for purposes of Appeal, the amendment after final rejection would be entered.

V. SUMMARY OF THE INVENTION

The present invention is defined by the pending claims and their equivalents. The present section of the Appeal Brief is set forth merely to comply with the requirements of 37 C.F.R. § 1.192(c)(5) and is not intended to limit the pending claims in any way. See M.P.E.P. § 1206.

An embodiment of a method for accessing virtual tables is shown in Figure 1. A virtual table is a table that is not physically materialized in the database as illustrated by the embodiment shown in Figure 1 in which a data source 102 is identified and a record 114 within the data source 102 is associated with a virtual table 100. (Specification pg. 7, ll. 3-6; pg. 8, ll. 5-6). The record 114 is then accessed and the virtual table 100 is logically populated with the record 114. (Specification pg. 8, ll. 6-8). The present claims are directed to a virtual table 100 that is not defined with database metadata. (Specification pg. 7, ll. 13-15). Metadata is information that describes and defines other structures and data in the database system. The basic definitional basis for many structures, such as tables in a typical database system, are maintained using metadata. Because database metadata is so foundational to the integrity of a database system, there are normally severe limitations upon the extent of access permitted to the database metadata. Since the presently claimed invention provides a virtual table that can be implemented without being defined with metadata, one advantage provided by this approach is that virtual tables can be implemented and/or altered even if the user does not have full privileges to access system metadata.

VI. ISSUE

The issue presented is whether claims 33-36, 39, 41-44, 47, 49-52, and 55 are patentable over U.S. Patent 6,275,824 issued to O'Flaherty et al. under 35 U.S.C. § 102(e).

VII. GROUPING OF THE CLAIMS

Claims 33-36, 39, 41-44, 47, 49-52, and 55 stand or fall together. Claim 33 is the representative claim.

VIII. ARGUMENTS

In the final Office action of September 11, 2002, the Examiner rejected claims 33-36, 39, 41-44, 47, 49-52, and 55 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,275,824 issued to O'Flaherty et al. (hereinafter "O'Flaherty").

Claim 33 is representative of the rejected claims. Claim 33 recites "associating a record within said data source to a virtual table, wherein said virtual table is not defined with database metadata." Thus, in claim 33, a virtual table is not defined using database metadata. In contrast, O'Flaherty discloses:

One important capability of a database management system is the ability to define a virtual table and save that definition in the database as metadata with a user-defined name.

(Col. 4, ll. 7-10) (emphasis added). Hence, O'Flaherty teaches that a virtual table is defined using database metadata, which is the exact opposite of claim 33.

However, the Examiner maintains that O'Flaherty discloses the "associating a record within said data source to a virtual table, wherein said virtual table is not defined with database metadata."

In particular, the Examiner states:

O'Flaherty teaches a process for accessing a virtual table comprising . . . associating a record within said data source to a virtual table, said virtual table is not defined with database metadata (column 4, lines 13-27 and column 10, line 66 – column 11, line 2).

(September 11, 2002 Office action at page 4).

The first cited passage of O'Flaherty disclose:

As a virtual table, a dataview is not physically materialized anywhere in the database until it is needed. All accesses to data, (with the possible exception of data access for administrative purposes) is accomplished through dataviews. To implement a variety of privacy rules, a suite of a plurality of dataviews is provided. Metadata about the privacy dataviews (including the dataview name, names and data types of the dataview columns, and the method by which the rows are to be derived) is stored persistently in the database metadata, but the actual data presented by the view is not physically stored anywhere in association with the derived table. Instead, the data itself is stored in a persistent base table, and the view's rows are derived from the base table.

(Col. 4, ll. 13-27) (emphasis added).

The second passage of O'Flaherty further discloses:

The dataviews in the dataview suite 108 of the present invention generate SQL statements that selectively pull appropriate columns and rows from the base tables into the result table.

(Col. 10, l. 66 to col. 11, l. 2).

Not only do the cited passages not disclose “associating a record within said data source to a virtual table, wherein said virtual table is not defined with database metadata” as recited in claim 33, the first cited passage actually teaches the exact opposite. In particular, O'Flaherty discloses “[a]s a virtual table, a dataview is not physically materialized anywhere . . . Metadata about the privacy dataviews . . . is stored persistently in the database metadata.” (Col. 4, ll. 13-22) (emphasis added).

In the advisory action faxed on December 4, 2002, the Examiner maintains:

O'Flaherty's teachings reads on Applicant's claim language of "associating a record [sic] within said data source to . . . the database as metadata." O'Flaherty's metadata about privacy view clearly teaches applicant's claim language above.

(December 4, 2002 Advisory action at page 2). However, claim 33 does not recite "associating a record within said data source to . . . the database as metadata." Claim 33 recites "associating a record within said data source to a virtual table, wherein said virtual table is not defined with database metadata." Yet, inexplicably, the Examiner rejects claim 33 based on O'Flaherty. O'Flaherty does not disclose "associating a record within said data source to a virtual table, wherein said virtual table is not defined with database metadata." Applicants respectfully submit that claim 33 is patentable over O'Flaherty.

IX. CONCLUSION

For the above reasons, applicants respectfully submit that rejection of claims 33-36, 39, 41-44, 47, 49-52, and 55 based on 35 U.S.C. § 102(e) has been overcome. Accordingly, applicants request that the Board of Patent Appeals and Interferences overrule the Examiner and allow claims 33-36, 39, 41-44, 47, 49-52, and 55.

Respectfully submitted,

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APPENDIX A: Claims Appealed

33. A method for accessing a virtual table comprising:
 - identifying a data source;
 - associating a record within said data source to a virtual table, wherein said virtual table is not defined with database metadata;
 - accessing said record; and
 - logically populating said virtual table with said record.
34. The method of claim 33 in which said record is accessed based upon data description information for said record.
35. The method of claim 33 in which a user-defined function is used to access said virtual table.
36. The method of claim 33 further comprising:
 - identifying a second data source;
 - associating a second record within said second data source to said virtual table;
 - accessing said second record; and
 - logically populating said virtual table with said second record.
39. The method of claim 33 in which a data manipulation operation is performed against said virtual table.
41. A computer program product that includes a medium usable by a processor, the medium having stored thereon a sequence of instructions which, when executed by said processor, causes said processor to execute a method for accessing a virtual table, said method comprising:
 - identifying a data source;
 - associating a record within said data source to a virtual table, wherein said virtual table is not defined with database metadata;
 - accessing said record; and
 - logically populating said virtual table with said record.
42. The computer program product of claim 41 in which said record is accessed based upon data description information for said record.

43. The computer program product of claim 41 in which a user-defined function is used to access said virtual table.
44. The computer program product of claim 41 further comprising:
 - identifying a second data source;
 - associating a second record within said second data source to said virtual table;
 - accessing said second record; and
 - logically populating said virtual table with said second record.
47. The computer program product of claim 41 in which a data manipulation operation is performed against said virtual table.
49. A system for accessing a virtual table comprising:
 - means for identifying a data source;
 - means for associating a record within said data source to a virtual table, wherein said virtual table is not defined with database metadata;
 - means for accessing said record; and
 - means for logically populating said virtual table with said record.
50. The system of claim 49 in which said record is accessed based upon data description information for said record.
51. The system of claim 49 in which a user-defined function is used to access said virtual table.
52. The system of claim 49 further comprising:
 - means for identifying a second data source;
 - means for associating a second record within said second data source to said virtual table;
 - means for accessing said second record; and
 - means for logically populating said virtual table with said second record.
55. The system of claim 49 in which a data manipulation operation is performed against said virtual table.